IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.728 OF 2005

Parle Tilak Vidyala Association &Ors ...Petitioners

Vs.

Smt.Madhumita Sarkar & Ors. ...Respondents

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Mr.A.A.Joshi With Mr.T.S.Patwardhan for the Petitioners.

Mr.Betty D'Souza for the Respondent No.1.

Mr.L.Satelkar, AGP for Respondent No.2.

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CORAM : DR.D.Y.CHANDRACHUD, J.

March 14, 2005.

P.C. :

At the hearing of the Petition, Learned Counsel for the Petitioners and for the First Respondent are agreed that the impugned order dated 29th September 2004 be quashed and set aside by consent and that the appeal be directed to be reheard by the School Tribunal.

In the circumstances, by consent, the impugned order dated 29th September 2004 is quashed and set aside. However, it is clarified that it would be open to the First Respondent to move the School Tribunal for appropriate orders of interim relief. Counsel appearing on behalf of the Petitioners states that without prejudice to the rights and contentions of the Petitioners to submit before the School Tribunal that the services of the First Respondent who was only a temporary employee have come to an end by efflux of time, the petitioners shall not take any further action for a period of three weeks from today. It would be open to the parties to place such further material which they would like to rely upon before the School Tribunal. The School Tribunal shall endeavour to dispose of the appeal preferably on or before 30th April 2005.

The Petition is accordingly disposed of.

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